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United States Department of Agriculture
Bureau of Biological Survey
Washington, D. C.

October 5, 1935.

IMPOUNDING ANIMALS ON WILDLIFE REFUGES

AMENDMENT TO THE REGULATIONS FOR THE ADMINISTRATION OF
FEDERAL WILDLIFE REFUGES

Pursuant to section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat., 1222; U.S. Code Supp., title 16, Sec. 715i), the act of June 28, 1906, as amended April 15, 1924, to protect wildlife and property on Federal reservations (43 Stat. 98; U.S. Code, title 18, Sec. 145), and otherwise, the regulations of the United States Department of Agriculture governing administration by the Bureau of Biological Survey of wildlife refuges, including the Bear River Migratory Bird Refuge and the Upper Mississippi River Wildlife and Fish Refuge, are hereby amended by adding the following:

Impounding of Animals

Domestic livestock and dogs found trespassing on any area of the United States which heretofore has been or which hereafter may be set apart or reserved by executive order, by proclamation, or by Act of Congress for the use of the Department of Agriculture as a refuge, range, preserve, or reservation for wild animals or birds, may be impounded by the officer in charge of such refuge. If the owner of any such trespassing animal is known, prompt written notice of the impounding will be served upon him, and in the event of failure of such owner to remove it within five days from delivery of such notice the impounded animal will be sold or otherwise disposed of as hereinafter prescribed. If the owner be unknown, no sale or other disposition of the animal will be made until at least fifteen days have elapsed from the date the notice thereof is first published in a newspaper of general circulation in the county in which trespass occurs and posted at the county court house. The notice shall state when and where the animal was impounded, describe livestock by brand or earmark or both, or by other means of identification, and other animals by full description and distinguishing marks, and shall specify the time and place it will be sold in default of redemption by the owner. If the animal is not redeemed on or before the date fixed for its sale, it will be sold at public sale to the highest bidder or otherwise disposed of. Prior to such sale the owner may redeem the animal by submitting proof of ownership and paying all expenses incurred by the United States for gathering, advertising, pasturing, feeding, and

impounding. Upon the sale of any animal in accordance with this regulation, the Bureau of Biological Survey or its authorized representative shall issue a certificate of sale. If any animal impounded under this regulation is offered at public sale and no bid is received therefor, it may, in the discretion of the Bureau, be sold at private sale or be condemned and destroyed.

In all livestock trespasses on wildlife refuges the value of the forage consumed will be computed at the daily, monthly, or yearly commercial rates prevailing in the locality for the class of livestock found in trespass.

In addition to the damages to wildlife refuge property injured or destroyed, and in order to compensate the United States fully for any loss resulting from trespass by livestock, a charge may be made and added to the value of the forage consumed which shall include the pro rata salary of refuge officers for the time spent and the expenses incurred in and about the investigations, reports, and prosecution of the case.

(SEAL)

IN TESTIMONY WHEREOF I have hereunto set my hand and caused the official seal of the United States Department of Agriculture to be affixed in the city of Washington, this 5th day of October, 1935.

H. A. Wallace,
Secretary of Agriculture.

INSTRUCTIONS TO OFFICERS IN CHARGE OF REFUGES
ADMINISTERED BY THE BIOLOGICAL SURVEY RELATIVE TO IMPOUNDING ANIMALS

Object of Regulation

This regulation is designed as a supplement to existing trespass procedure and to make more effective the right of the United States to bring action for the recovery of compensation and to enable refuge officers to meet the responsibility imposed upon them by law to adequately protect wildlife refuges.

When Applied

To the extent of available impounding facilities, this regulation will be applied in all cases where the ownership of animals is known and the owner is indifferent to the Secretary's regulations or to the requests of refuge officers for removal. Likewise, it will be resorted to in cases where ownership of stock is unknown and in cases where the application of other existing procedure is impracticable or ineffective.

Procedure

In all cases where animals are discovered in trespass, refuge officers will be governed by the following:

1. Removal of trespassing animals will be accomplished if possible by notifying the owner, if known, to remove them within a specified time.
2. The ordinary trespass procedure will be followed in all cases where the circumstances justify.
3. State impounding or estray laws may be applied where State officials authorized to execute such laws are willing to function and to apply the State procedure and where such laws are applicable and effective.
4. The impounding procedure may be used both when ownership is known and the owner fails to comply with a request for removal, and when ownership is unknown. This procedure, however, should be exercised with care and consideration of all interests involved.

Advertising

If the owner of the animals is known to the refuge officers, or can be found by inquiry among local stockmen or by reference to recorded brands, or otherwise, written notice that the animals are in trespass will be given him or his agent, either by personal delivery or by registered mail, and he shall have a reasonable length of time, but not to exceed 48 hours, from the receipt of such written notice to remove the animals from the refuge, except that in cases where substantial damage is evident such animals will be immediately impounded; provided, however, that any dog found running at large on the refuge may be immediately taken up and the owner, if ownership can be ascertained, promptly notified to claim it, failing in which the refuge officer should proceed as in the case of other animals. Where ownership of animals is unknown or where there is chance that animals of unknown ownership may be gathered, notice of impoundment will be given by publication in a newspaper serving the community within or adjacent to the area on which the trespass occurred, and by posting such notice in at least three conspicuous places, one being at the county court house; provided, that if all owners are known and are given written notice, advertising may be dispensed with. Such notices shall state the area on which animals were trespassing, the kinds of animals that have been impounded, and that they will be sold in default of redemption by the owner. Ordinarily the advertisement will be inserted but once, and the 15-day period will begin with the date of the issue of the paper carrying it. Copies of the notices will also be mailed to prominent stockmen in the vicinity. In the event animals the ownership of which is known are found in trespass after the expiration of the 48-hour period from delivery of written notice for removal thereof, refuge officers will proceed to take up the animals and impound them and notify the owner in writing, either by personal delivery or by registered mail, that he will be given 5 days within which to pay

all costs incident to the impounding, and to remove the animals, failing in which they will be sold at public sale to the highest bidder. If the owner fails to redeem the animals within the 5-day period specified public notice of intention to sell at the expiration of 5 days from the date thereof will be given by posting in the post office and in at least one other public place nearest the place of trespass. In all cases the notice will state the area from which animals in trespass were removed, when and where impounded, a description of the animals, either by brands and marks or by other means of identification, and specify the time and place they will be sold.

If at public sale under the regulation no bid is received, refuge officers are authorized to sell the animals at private sale, or in case no private sale can be made, to dispose of the animals in the most humane manner possible. Should proof of ownership of impounded animals be presented before the expiration of notice, the owner will be required to pay all expenses incurred in gathering, pasturing, or feeding, advertising, and all other reasonable expenses incident thereto as hereinafter specified. No items representing damage on account of antecedent trespass will be included in the redemption costs. Upon payment of such amounts the animals will be released to the owner.

The settlement of all expenses incurred in impounding will not relieve the owner of obligation for damage on account of antecedent trespass or prevent institution of suit under existing trespass procedure for the collection of such damages.

Payments

Payments for redemption and sale of animals will be in the form of a certified check, bank draft, or postal money order (personal checks or cash not acceptable), drawn to the order of the "U.S. Department of Agriculture, Washington, D.C." and forwarded to the Bureau of Biological Survey accompanied by letter of transmittal for proper disposition. The letter should show the number and kinds of animals involved, whether payment is for impounding charges or whether the proceeds are from auction or private sale, and if the animals have been sold, the name and address of purchaser, and an itemized statement of the impounding charges and the proceeds of the sale. The letter of transmittal, in the case of redeemed animals, must contain an itemized statement of impounding charges.

Payments received in excess of all direct costs (impounding and sale) will be temporarily retained in a special deposit account pending submission of satisfactory proof of ownership by the owner of the stock. If the owner fails to file the requisite proof within a period of one year from the date of sale, appropriate disposition of the funds will be made.

Certificate of Sale

Upon the sale of any stock impounded under this regulation the Bureau of Biological Survey or its authorized representative will issue the following certificate, or bill of sale, to the successful bidder:

"In accordance with the regulations of the Secretary of Agriculture and the advertisements posted at _____ and _____ on _____ 193 , the following-described animals impounded at _____ Refuge, in the State of _____, were sold at public (private) sale by me on this _____ day of _____ 193 , the owner thereof having failed to redeem them after due notice.

Description of Animals:

\$

\$

\$

"This is to certify that Mr. _____ of _____, was the purchaser of said animals and has paid therefor the sum of _____ dollars (\$ _____), receipt for which is hereby acknowledged.

(Title)

Care of Stock

In every case where animals are impounded under this regulation, refuge officers should provide an adequate enclosure with feed and water necessary to keep the animals in good condition during the period for which they are impounded. Extreme care in the handling of such animals will be necessary to prevent injury or the possibility of owners claiming damages on account of injuries due to careless handling or the character of the enclosure in which the animals are retained. Refuge officers may incur any necessary expenses incident to the impounding of animals, such expenses to be paid from any appropriation available for the purpose.

Method of Determining Damage

The value of forage consumed, as determined by daily, monthly, or yearly commercial rates prevailing in the locality in which trespass occurs, will establish the rate to be charged in all grazing trespass cases. All animals found in trespass will be counted. In the event no commercial rate can be established within the immediate vicinity of the area trespassed upon from which the value can be determined, the nearest tract or tracts may be used.

The rates for periods greater or less than the one for which a commercial rate applies will be established as follows:

1. Where a daily rate is established:

Monthly rate = daily rate x 30.
Yearly rate = monthly rate x 12.

2. Where monthly rate is established:

Daily rate = monthly rate ÷ 30.
Yearly rate = monthly rate x 12.

3. Where yearly rate is established:

Monthly rate = yearly rate ÷ 12.
Daily rate = monthly rate ÷ 30.

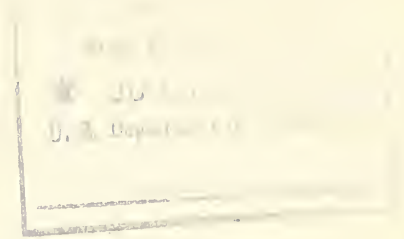
In addition to the value of the forage a sufficient amount may be included to cover actual damage to property injured or destroyed.

The salary of refuge officers and expenses actually incurred in investigating, reporting, and prosecuting a trespass constitute a loss to the Government, for which compensation should be required.

Ira N. Gabrielson

I. N. Gabrielson,
Chief.

U. S. DEPARTMENT OF AGRICULTURE
Bureau of Biological Survey
Division of Land Acquisition)



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I hereby certify that the attached map of the

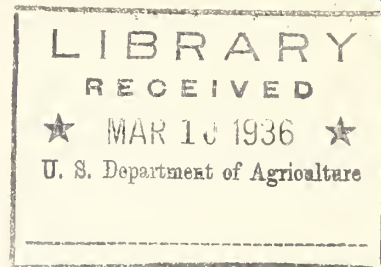
ha been correctly platted from field notes and other data obtained from the files of the General Land Office, Department of the Interior, and from notes and other data obtained from field surveys by the Biological Survey; that the section and lot lines and other subdivision lines, as here shown, have been placed upon said map after careful consideration of all available data on the subject; and that all said data as shown upon the attached map have been checked by me and are correct to the best of my knowledge and belief.

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Section of Surveys & Maps

Date:

Bi-1411
Feb. 1936



FEDERAL TAX EXEMPTION CERTIFICATE

Date _____

The undersigned hereby certifies that he is _____
(Title of authorized officer)

of the Bureau of Biological Survey, U. S. Department of Agriculture,
and is authorized to execute this certificate, and that the article or articles
specified in the accompanying order, or as specified below or on the reverse side
hereof, were purchased from _____
(Name and address of company)

for the exclusive use of the United States.

It is understood that the exemption from tax in the case of sales of articles under this exemption certificate is limited to articles purchased for the exclusive use of the United States, any State, Territory of the United States, or any political subdivision of the foregoing, or the District of Columbia, and it is also understood that where articles purchased tax free under this exemption certificate are sold or otherwise disposed of to employees or others, the vendee becomes subject to payment of the tax. It is also understood that the fraudulent use of this certificate to secure exemption will subject the undersigned and all guilty parties to a fine of not more than \$10,000 or to imprisonment for not more than five years, or both, together with costs of prosecution.

This certificate covers --
Purchase Order, Requisition
or Contract No. _____

(Signature)

(Title of Officer)

or
Purchases made during the
Month of _____, 193____.

(Address)

Commodity: _____

Quantity: _____

Amount of Purchase \$ _____

Federal Tax \$ _____

